HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.6037 OF 2006

DATE:27.03.2006

Between:

Sri Syed Abdul Bari Hashmi

..... PETITIONER

AND

The Selection Grade Secretary,

Agriculture market Committee,

New Osman Gunj, Hyderabad & another.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.6037 OF 2006

ORDER:

Petitioner, by means of filing this Writ Petition under Article 226 of Constitution of India, seeks a direction to the first respondent to furnish the orders passed by him in AMCH/A & RII/2/2005-06, dated 3.10.2005 to the petitioner and pass orders on the representation filed by him dated 23.2.2006; and to declare the permission given to the respondent No.2 for changing the name of the petitioner firm's business from M/s Bharat Sangam Fruit Company to that of M/s Greater Sangam Fruit Company, as arbitrary and illegal.

Learned counsel for the petitioner is not disputing the fact of granting licence initially in the name of second respondent in respect of M/s Bharat Sangam Fruit Company as a Propriety concern, but what the learned counsel contends is that after obtaining the licence, the second respondent entered into a partnership agreement with the petitioner under the partnership deed whereunder, the business was treated as a firm business. As a matter of fact, if any partnership deed is entered into by the petitioner, as alleged, with the second respondent, unless the Market Committee recognizes the business as of the firm, it is not open for the petitioner to contend that the second respondent is precluded from changing the name of the business from M/s. Bharat Sangam Fruit Company to that of M/s. Greater Sangam Fruit Company. If there is any dispute between the petitioner and the second respondent under the alleged partnership deed, the same cannot be resolved by the first respondent since

he being the competent authority granted the licence in the name of second respondent as a Propriety concern. If the business carrying on by the second respondent is to be treated as the firm business, it is for the appropriate forum to decide the said dispute, but not by the first respondent. In view of the same, the only direction that can be issued to the first respondent is to furnish a copy of the orders passed by him in AMCH/A & RII/2/2005-06, dated 3.10.2005 by disposing of the representation of the petitioner dated 23.2.2006 by collecting necessary fee.

With the above direction, the Writ Petition is disposed of at the admission stage. No costs.

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A. GOPAL REDDY, J

27th MARCH, 2006.

Tsr